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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the Application of: **MURASE, Norio, et al.**

Group Art Unit: 1793

Serial No.: **10/543,185**

Examiner: **HOBAN, Matthew E.**

Filed: **March 23, 2006**

P.T.O. Confirmation No.: **5492**

For: **SEMICONDUCTOR ULTRAFINE PARTICLES, FLUORESCENT MATERIAL,
AND LIGHT-EMITTING DEVICE**

**RESPONSE TO THE RESTRICTION REQUIREMENT
DATED November 18, 2008
AND
PRELIMINARY AMENDMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: December 12, 2008

Sir:

1. Response to Restriction Requirement

This paper is submitted in response to the Official Action dated **November 18, 2008**.

In the Action, restriction is required among Group (I), claims 1-4; Group (II), claims 5 - 9 and 13; and Group (III), claims 10 - 12.

Applicants hereby elect the subject matter of Group (II), claims 5 - 9 and 13 for prosecution in this application. The applicants also elect claims 11 and 12, and submit that claims 11 and 12 are drawn to an invention not distinct or separate from the invention set forth in claims 5 - 9 and 13. This election is made without traverse, it being understood that the applicants' rights to the filing of a divisional application directed to the non-elected subject matter under 35 USC 120 and 35 USC 121 are retained.

U.S. Patent Application Serial No. 10/543,185

Response to Restriction Requirement and Preliminary Amendment filed December 12, 2008

Reply to OA dated November 18, 2008

2. Preliminary Amendment

Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 7 of this paper.